

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SW/Corner Belmont
Avenue and Grove Avenue * DEPUTY ZONING COMMISSIONER
(6625 Grove Avenue)
1st/2nd Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 97-415-XA
B K Belmont, L.L.C., Owners;
Mighty Wash of Frederick Avenue, Inc., Contract Purchasers

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Exception and Variance for that property known as 6625 Grove Avenue, located in the vicinity of Security Boulevard and Security Square Mall. The Petition was filed by the owners of the property, B K Belmont, LLC, by Thomas K. Herman, Member, and the Contract Purchasers, Mighty Wash of Frederick Avenue, Inc., by and through Paul F. Larner, Esquire. The Petitioners seek special exception relief for a car wash on the subject property, zoned B.M.-A.S., and a variance from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three (3) freestanding signs totaling 194 sq.ft. in lieu of the maximum permitted 100 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were David Strouse and Rosita McKee, representatives of B K Belmont L.L.C., property owners, Paul Larner, Esquire, attorney for the Petitioners, and Catherine Warfield, Professional Engineer who prepared the site plan for this project. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.3951 acres, more or less, zoned B.M - A.S.,

ORDER RECEIVED FOR FILING
Date 5/21/97
By [Signature]

and is the site of a Burger King fast food restaurant. The Petitioners are desirous of developing the rear portion of the property with a seven-bay, self service car wash facility, as shown on Petitioner's Exhibit 1. In order to proceed with the proposed improvements, the requested special exception and variance relief are necessary. Testimony indicated that the sign variance is necessary by virtue of the existing Burger King signs on the front portion of the site totaling 94 sq.ft., and the proposed double-faced car wash identification sign of 49 sq.ft. per side. Testimony and evidence offered demonstrated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and meets the spirit and intent of the zoning regulations.

It is clear that the B.C.Z.R. permits the use proposed in a B.M.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone.

Schultz v. Pritts, 432 A.2d 1319 (1981).

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By

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will

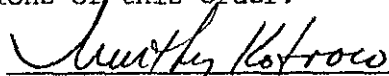
unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of May, 1997 that the Petition for Special Exception seeking approval of a car wash on the subject property, zoned B.M.-A.S., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three (3) freestanding signs totaling 194 sq.ft. in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, Petitioners shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 20, 1997

Paul F. Larner, Esquire
2 Trotting Horse Court
Baltimore, Maryland 21228

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SW/Corner Belmont Avenue and Grove Avenue
(6625 Grove Avenue)
2nd Election District - 1st Councilmanic District
B K Belmont, L.L.C., Owners; Mighty Wash of Frederick Avenue, Inc.,
Contract Purchasers
Case No. 97-415-XA

Dear Mr. Larner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. Thomas K. Herman and David Strouse
B K Belmont, LLC, 17 W. Pennsylvania Avenue, Towson, Md. 21204

Ms. Catherine L. Warfield
4900 Kemp Road, Reisterstown, Md. 21136

People's Counsel; Case/Files



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 PETITION FOR VARIANCE
 6625 Grove Avenue, Corner of SW/S Grove * ZONING COMMISSIONER
 Avenue, NW/S Belmont Avenue
 2nd Election District, 1st Councilmanic * OF BALTIMORE COUNTY

Legal Owner(s): BK Belmont, LLC * CASE NO. 97-415-XA
 Lessee: Mighty Wash of Frederick Avenue, Inc.
 Petitioners

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Paul F. Larner, Esq., 2 Trotting Horse Ct., Baltimore, MD 21228, attorney for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

415



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

97-415-XA

6625 GROVE AVENUE

which is presently zoned BM-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SELF SERVICE CAR WASH

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

MIGHTY WASH OF FREDERICK AVENUE, INC.

(Type or Print Name)

Signature Paul F. Larnier

2 TROTting HORSE COURT

Address

BALTIMORE, MARYLAND 21228

City

State

Zipcode

Legal Owner(s):

BK BELMONT L.L.C.

(Type or Print Name)

Signature Thomas K. Herman

THOMAS K. HERMAN, MEMBER

(Type or Print Name)

Signature Thomas K. Herman

410-296-4800

Attorney for Petitioner:

PAUL F. LARNER

(Type or Print Name)

Signature Paul F. Larnier

410-719-0415

2 TROTting HORSE COURT

Address

Phone No.

BALTIMORE, MARYLAND 21204

City

State

Zipcode

17 WEST PENNSYLVANIA AVENUE

Address

Phone No.

BALTIMORE, MARYLAND 21204

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

DAVID STROUSE

Name

410-296-4800

17 WEST PENNSYLVANIA AVENUE

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MDK

DATE

3/26/97

ORDER RECEIVED FOR FILING

Date

By





C. L. WARFIELD AND ASSOCIATES, INC.
4900 KEMP ROAD · REISTERSTOWN, MD 21136
410-429-2981 · 410-429-2993 · FAX 410-429-2983

March 22, 1997

Mr. Arnold Jablon, Director
Permits and Development Management
111 West Pennsylvania Avenue
Towson, Maryland 21204

97-415-XA

RE: Mighty Car Wash - Grove Avenue
Election District # 1 Council District # 1
Request for Special Exception for a Car Wash
in a BM-AS Zone

Dear Mr. Jablon:

We are requesting a Special Exception to allow a car wash at # 6625 Grove Avenue, which is part of Lot # 4 Plat of Champion Ford recorded in P.B. 44/98. The site will be leased to Mighty Car Wash of Frederick Avenue, Inc. as a self service facility and will complete improvements on the lot. A Burger King Restaurant occupies the front portion of the lot and is known as # 1650 Belmont Avenue.

The property is zoned currently as BM-AS and Section 419.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) permits a self service car wash by Special Exception in the zone. It can be demonstrated that a car wash on the lot to be developed meets criteria established in Section 502.1 to allow the Special Exception to be granted as follows:

- a. The project will not be detrimental to the health, safety, or general welfare of the locality involved. This use is generally appropriate to the zone as all adjacent properties are zoned MLR or BM; there is no residential zoning in proximity to the site, and it is recognized in the B.C.Z.R. that a car wash is acceptable in the BM-AS zone upon compliance with regulations.
- b. Development of a car wash will not create any traffic problems either now or in the future. Grove Avenue is planned ultimately as a connector road with a 40' paving section on a 60' right of way from Belmont Avenue to Lord Baltimore Drive. Improvements built to comply with Public Works Agreement # 17803, assigned to Lot # 4, are in place. They provide a 24' paving section in a 50' right of way owned by Baltimore County, limited to the section from Belmont Avenue extending 450' +/- across the frontage of this site. Very little traffic utilizes the road at this time, and a car wash will not create traffic problems when the road is extended in the future by subsequent development beyond the site.
- c. No fire hazard is presented; there is a fire hydrant at the northernmost entrance to the property.

ORDER RECEIVED FOR FILING

Date

By

Page 2
Mighty Wash
Special Exception

97-415-XA

- d. Overcrowding is not a factor. The car wash will contribute transient traffic only.
- e. Schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements will not be impacted adversely. Public roads are described in item b. of this presentation; water and sewer are available, storm drains are provided, and there is in place existing Storm Water Management Facility # 398 which was designed and built in 1979 to include fully developed commercial runoff from Lot # 4 in conformance with Public Works Agreement # 17803. An AS-built record of the Storm Water Management facility is on file in DEPRM. No additional storm water management is required for Lot #4.
- f. The project will not interfere with adequate light and air.
- g. The project is not inconsistent with the spirit and intent of the B.C.Z.R., purposes of the property's zoning classification, nor in any other way inconsistent with the zoning regulations. Section 419.1 permits a self service car wash in the existing BM - AS zone with approval of a Special Exception.
- h. The project is not inconsistent with the impermeable surface and vegetative retention provisions of the B.C.Z.R. The site will be improved with impervious building and paving for a major portion of the property, but the design for the Storm Water Management Facility anticipated impervious coverage of the entire site. Actual improvements will create less storm water runoff than designed for. Vegetative retention exceeds the original expectation for the property.

Please schedule a hearing date for this request as soon as possible.

Sincerely,

Catherine Warfield

Catherine L. Warfield, P.E.

cc: Paul Larner
Mary Pat Baxter

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

6625 GROVE AVENUE

which is presently zoned BM-AS

97-415-XA

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.2.F

TO PERMIT 3 FREE STANDING SIGNS AT 194 SQ. FT. IN LIEU OF 3 SIGNS AT 100 SQ. FT.
BK BELMONT L.L.C.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

MIGHTY WASH OF FREDERICK AVE, INC.

(Type or Print Name)

Signature

2 TROTting HORSE COURT

Address

BALTIMORE, MARYLAND 21228

City

State

Zipcode

Attorney for Petitioner:

PAUL F. LARNER

(Type or Print Name)

Signature

2 TROTting HORSE COURT

Address

Phone No.

BALTIMORE, MARYLAND 21228

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

BK BELMONT L.L.C.

(Type or Print Name)

Signature

THOMAS K. HERMAN, MEMBER

(Type or Print Name)

Signature

410-296-4800

17 WEST PENNSYLVANIA AVENUE

Address

Phone No

BALTIMORE, MARYLAND 21204

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

DAVID STROUSE

Name

410-296-4800

17 WEST PENNSYLVANIA AVENUE 21204

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

3/26/17

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

ORDER RECEIVED FOR FILING

Date

By



C. L. WARFIELD AND ASSOCIATES, INC.
4900 KEMP ROAD · REISTERSTOWN, MD 21136
410-429-2981 · 410-429-2993 · FAX 410-429-2983

Mr. Arnold Jablon, Director
Permits and Development Management
111 West Pennsylvania Avenue
Towson, Maryland 21204

March 25, 1997

97-415-XA

RE: Mighty Wash - # 6625 Grove Avenue
Election District # 2 Council District # 1
Request for Sign Variance

Dear Mr. Jablon:

We are requesting a variance under Section 413.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a second free-standing sign to identify a proposed self-service car wash on the southeast corner of Lot # 4 plat of Champion Ford, recorded in P.B. 44 / 98. The location of the proposed sign is shown on the attached Plan to Accompany Special Exception Hearing and Sign Variance Hearing - Mighty Wash.

Lot # 4 contains 2.39 ac +/-; it is zoned BM -AS and easily supports two commercial uses. All surrounding zoning is business or industrial so a car wash is compatible with the area. There is an existing Burger King restaurant on the front 1.22 ac. +/-, and a proposed self service car wash is proposed for the rear 1.175 ac. +/- . The car wash is subject to approval of a special exception request which is in process simultaneously with this variance request. Up to three signs are permitted on a commercial lot, but the Burger King has erected signs of 94 s.f., leaving only 6 s.f. for the second user, Mighty Wash. We request a variance to allow an additional 100 s.f. for the car wash. It would be possible to achieve this same result by subdividing lot # 4 and creating in fee access to the area where the sign is proposed; however it would take considerable time and expense to attain the same result as a variance.

As a practical matter, it is necessary for the sign to be on the front of the lot because of the physical constraints the site presents. The elevation of the Burger King is 7' higher than the car wash, and the topography drops away from the front of the lot along Belmont Avenue restricting the view of the car wash site. Also, Grove Avenue dead ends at the car wash, so no traffic flows past it and must be directed to the site by an identifying sign. The only location that will provide exposure and alert clients to the existence of the car wash is the front of Lot #4, close to Belmont Avenue as shown on the plat. Photos of the area are provided to demonstrate the lack of visibility to the area being developed as a car wash.

Please grant a variance for a second sign and an increase in square footage of 100 s.f. on Lot # 4 for all the reasons noted.

Sincerely,

Catherine Warfield
Catherine L. Warfield, P.E.

ORDER RECEIVED FOR FILING
Date 5/25/97
By [Signature]

415



ROBERT E. SPELLMAN P.L.S.
JOSEPH I. LARSON
JO ANN W. ROGGE

SUITE 109 --- JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

97-415-XA

DESCRIPTION OF PARCEL 2, PART OF LOT NO. 4, SUBDIVISION OF
PLAT OF CHAMPION FORD DEALERSHIP, GROVE AVENUE, 1ST
DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the southwest side of Grove Avenue, 60 feet wide, as shown on a Plat of Subdivision of Plat of Champion Ford Dealership said Plat being recorded among the Plat Records of Baltimore County in Plat Book EHK, Jr. No. 44, folio 98 said point being at the three following courses and distances from the point of intersection of the centerline of Belmont Avenue, 60 feet wide, and the centerline of Grove Avenue, 50 feet wide, viz: northwesterly along the centerline of Grove Avenue by a curve to the left with a radius of 150.00 feet the distance of 120 feet, more or less, and north 41 Degrees 32 Minutes 10 Seconds west 188 feet, more or less, thence south 40 Degrees 07 Minutes 20 Seconds west 30.32 feet to the southwest side of Grove Avenue, 60 feet wide, and the beginning of this description thence binding on the southwest side of Grove Avenue, 60 feet wide, north 41 Degrees 32 Minutes 10 Seconds west 225.52 feet to an iron bar set at the northernmost corner of said Lot No. 4 thence leaving the southwest side of Grove Avenue and binding on the outline of said Lot No. 4 south 48 Degrees 27 Minutes 14 Seconds west 59.20 feet to an



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

97-415-XA

DESCRIPTION OF PARCEL 2, PART OF LOT NO. 4, SUBDIVISION OF
PLAT OF CHAMPION FORD DEALERSHIP, GROVE AVENUE, 1ST
DISTRICT, BALTIMORE COUNTY, MARYLAND

Page: 2

iron bar set south 19 Degrees 57 Minutes 00 Seconds east
10.76 feet south 21 Degrees 55 Minutes 41 Seconds west 131.77
feet to an iron bar set and south 21 Degrees 55 Minutes 41
Seconds west 95.12 feet to an iron bar set at the dividing
line between Lot No. 1 and Lot No. 4 as shown on the Plat
herein referred to and running thence and binding on a part
of said dividing line south 49 Degrees 52 Minutes 40 Seconds
east 151.51 feet thence leaving said dividing line and
running for a line of division across said Lot No. 4 north 40
Degrees 07 Minutes 38 Seconds east 246.73 feet to the place
of beginning.

Containing 1.175 acres of land, more or less.

Subject to a 10 foot drainage and utility easement along
the second line of the above described parcel of land as
shown on the Plat herein referred to

And subject to a 40 foot minimum building setback line
as shown on the Plat herein referred to.

Being part of Lot No. 4 as shown on Subdivision of Plat

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #97-415-XA
6625 Grove Avenue
corner of SWS Grove Avenue,
NW/8 Belmont Avenue
2nd Election District
1st Councilmanic
Legal Owner(s):
BK Belmont LLC
Lessee:
Mighty Wash of Frederick
Avenue, Inc.

Special Exception: for a self service car wash. **Variance:** to permit 3 free standing signs totaling 194 square feet in lieu of a total of 100 square feet.
Hearing: Wednesday, May 7, 1997 at 2:00 p.m., 4th floor hearing room, Courts Bldg., 401 Bostley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are "Handicapped" Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

4/19/92 April 10 G134024

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 10, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 10, 1997.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 028762

DATE 3/26/97 ACCOUNT 01-615

Item: 415

By: WPA

AMOUNT \$ 550.00

RECEIVED C. L. Worsham & Assoc, Inc
FROM:

020- Comm. Exp.

\$ 200.00

050- Spec. Ex.

\$ 350.00

\$ 550.00

FOR:

03A91#0211MICHRC

\$550.00

BA C002:02PM03-26-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

97-415-XA

CERTIFICATE OF POSTING

RE: Case # 97-415-XA

Petitioner/Developer:
(Mighty Wash of Frederick Ave.)
Date of Hearing/Closing:
(May 7, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

_____ 6625 Grove Ave. , Baltimore, Maryland 21244 _____

The sign(s) were posted on _____ April 22, 1997 _____
(Month, Day, Year)

Sincerely,

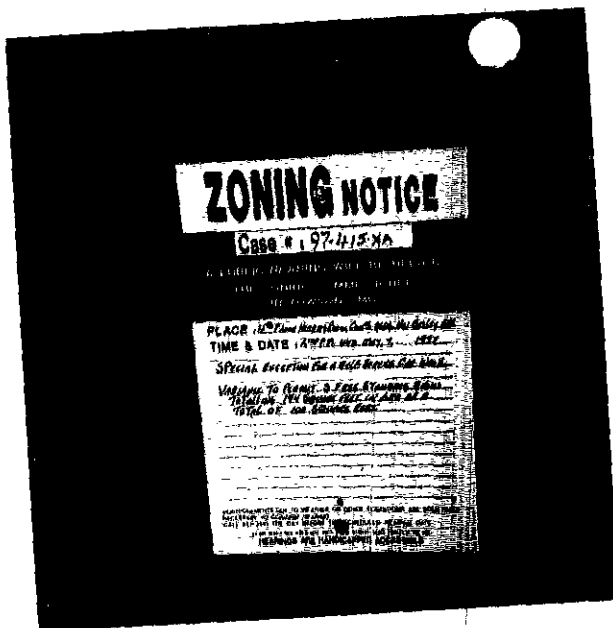

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____
(Printed Name)

_____ 325 Nicholson Road _____
(Address)

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)



97-415-XA



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 415

Petitioner: Mighty Wash of Frederick Ave, Inc.

Location: 6625 Grove Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul F. Lerner

ADDRESS: 2 Trotting Horse Court
Balto. Md. 21228

PHONE NUMBER: 410-719-0415

AJ:ggs

(Revised 09/24/96)

Request for Zoning: Variance, Special Exception or Special Hearing

Date to be Posted: Anytime before but no later than _____ *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____ *

DATE AND TIME: _____ *

REQUEST: special exception for a self service car wash
and variance to permit 3 free standing signs of 194 sq ft.
in lieu of 3 signs of 100 sq ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY
April 7, 1997 Issue - Jeffersonian

Please forward billing to:

Paul F. Lerner
2 Trotting Horse Court
Baltimore, MD 21228
719-0415

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-415-XA
6625 Grove Avenue
corner of SW/S Grove Avenue, NW/S Belmont Avenue
2nd Election District - 1st Councilmanic
Legal Owner(s): BK Belmont LLC
Lessee: Mighty Wash of Frederick Avenue, Inc.

Special Exception for a self service car wash.
Variance to permit 3 free standing signs totalling 194 square feet in lieu of a total of 100 square feet.

HEARING: WEDNESDAY, MAY 7, 1997 at 2:00 p.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-415-XA
6625 Grove Avenue
corner of SW/S Grove Avenue, NW/S Belmont Avenue
2nd Election District - 1st Councilmanic
Legal Owner(s): BK Belmont LLC
Lessee: Mighty Wash of Frederick Avenue, Inc.

Special Exception for a self service car wash.
Variance to permit 3 free standing signs totalling 194 square feet in lieu of a total of 100 square feet.

HEARING: WEDNESDAY, MAY 7, 1997 at 2:00 p.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: BK Belmont, LLC
Paul F. Lerner, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 22, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 6, 1997

Paul F. Larner, Esquire
2 Trotting Horse Court
Baltimore, MD 21228

RE: Item No.: 415
Case No.: 97-415-XA
Petitioner: BK Belmont LLC

Dear Mr. Larner:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 26, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.4.97
Item No. 415 MSK

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 4/15/97

FROM: R. Bruce Seeley . RBS/90
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: April 7, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

415

RBS:sp

BRUCE2/DEPRM/TXTSBP

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: April 14, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for April 14, 1997
 Item No. 415

The Development Plans Review Division has reviewed the subject zoning item.

"DO NOT ENTER" and "ONE WAY" signs shall be shown to clarify the traffic flow.

Revise Note No. 14 on the plan to say that "in addition to the Landscape Manual, this proposal is subject to Section 419.4.B.4 of the Baltimore County Zoning Regulations, that requires a 6 foot wide landscape strip along the property line adjacent to a commercial site." Landscaping will be provided in accordance with the Baltimore County Landscape Manual.

A 10 foot wide landscape strip is required along Grove Avenue. The plan indicates only 7-8 feet.

A schematic landscape plan should be submitted.

RWB:HJO:cab

cc: File

ZONE414.415

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 6625 Grove Road

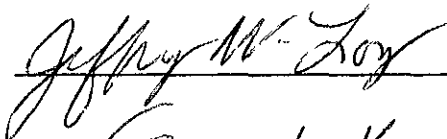
INFORMATION

Item Number: 415
Petitioner: BK Belmont L.L.C.
Zoning: BM-AS
Requested Action: Special Exception

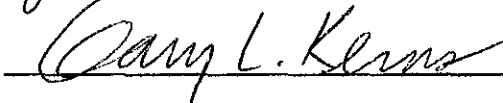
Summary of Recommendations:

An comprehensive zoning map issue was filed on this property as part of the 1996 Comprehensive Zoning Map Process. With the knowledge that the intended use of the property was for a car wash, the Office of Planning, the Planning Board and the County Council supported the zoning change which provided for the proposed use of the subject site.

Prepared by:



Division Chief:

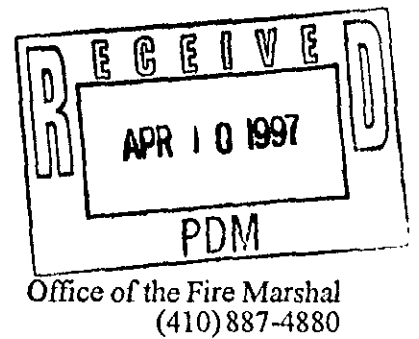


AFK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500



April 9, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners: SEE BELOW
Location: DISTRIBUTION MEETING OF April 7, 1997

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

410, 412, 413, 415, 416, 420, and 424

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4801, MS-1102F

cc: File



PETITION PROBLEMS

#411 --- JLL

1. No sign form in folder (see note in folder).
2. No review information on bottom of petition form.

#413 --- MJK

1. Sign form is incorrect/incomplete.

#415 --- MJK

1. Need authorization for person signing for legal owner.
2. Need printed or typed name of person signing for contract purchaser.
3. Need printed or typed title of person signing for contract purchaser.
4. Need authorization for person signing for contract purchaser.

#416 --- JRA

1. Wrong sign form used.

#417 --- MJK

1. Sign form is incorrect/incomplete.
2. Need title of person signing for legal owner.
3. Need authorization for person signing for legal owner.

#418 --- JLL

1. No sign form in folder (see note in folder).

415

Baltimore County Government
Department of Permits and
Development Management



97-415-XA

111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3335

March 7, 1997

C. L. Warfield & Associates, Inc.
4900 Kemp Road
Reisterstown, MD 21136

RE: Mighty Car Wash
6625 Grove Avenue
DRC Number 03037F, Dist.1C1

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland and as provided in Section 602 (d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on March 3, 1997, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (A) (7). Please be advised, a zoning hearing is required.

Now that you have received an A-7 limited exemption, please proceed with your building permit application.

C. L. Warfield & Assoc., Inc.
Mighty Car Wash
March 7, 1997
Page 2

97-415-XA

A copy of this letter must be presented when submitting engineering/construction plans to this office and/or when applying for a building permit.

Please be advised that Phase 2 review fees may apply, depending on the amount of site disturbance and/or the requirement of a Public Works Agreement.

Herein find a commercial site plan checklist which will serve as a guide when preparing plans for building permit applications. Please be advised, plans not meeting minimum checklist requirements will not be accepted for filing, which will consequently delay building permit approval. Please note, the "conceptual" plan required for DRC review, does not necessarily meet the checklist guidelines. Therefore, it should not be assumed that the DRC plan is acceptable for building permit applications.

Should you have any questions regarding the above, please contact the Zoning Review Section at 887-3391.

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 7th day of March, 1997, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

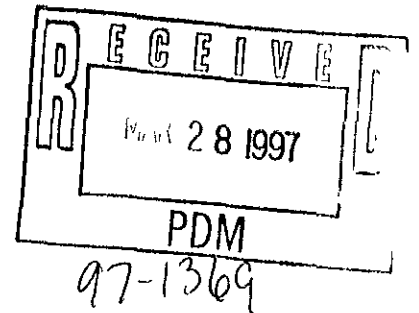
Arnold Jablon

Arnold Jablon
Director

AJ:DTR:jw

c: Bruce Seeley
Constance Odiase
File

415



Mighty Wash of Frederick Avenue, Inc.
2 Trotting Horse Court
Catonsville, MD 21228

March 25, 1997

Baltimore County DPM
Attn: Mitch Kellman
Mail Stop MS1105
111 West Chesapeake Ave
Towson, MD 21204

Dear Mr. Kellman:

Please accept this letter as evidence that Paul F. Larner and Rosita McKee are officers in good standing of Mighty Wash of Frederick Avenue, Inc., a Maryland corporation and as such they are authorized to execute whatever documents, applications, or other submissions may be necessary to apply for a special exception or variance under the Baltimore County Zoning Ordinance. Paul F. Larner is President and Rosita McKee is Vice President.

Sincerely

Paul F. Larner

cc: Catherine Warfield



C. L. WARFIELD AND ASSOCIATES, INC.
4900 KEMP ROAD · REISTERSTOWN, MD 21136
410-429-2981 · 410-429-2993 · FAX 410-429-2983

May 6, 1997

RE: Special Exception for Mighty Wash
Item # 97-415

Hearing Officer:

Several modifications were made to the building proposed for the car wash at the subject site which caused minor modifications to the plan. In addition we were able to respond to agency comments and revise the plan accordingly.

We are submitting at the hearing on May 7, 1997, a red lined plan showing the revisions and this letter of explanation of the changes, which are:

1. Increase the size of the Detail Bay- 2' toward Grove Avenue and 8' toward the entrance side of the site
2. Reduce the width of the drive lane parallel to Grove Avenue from 24' to 22' which meets County regulations
3. Revise grades to accommodate the revised building footprint
4. Remove double vacuum spaces and replace with single vacuum spaces - total 11 single spaces
5. Revise parking layout to accommodate location of single vacuum spaces - 16 parking spaces are provided as required by B.C.Z.R. regulations as originally approved by agencies
6. Revise Note # 14 as noted in agency comments, to include specific B.C.Z.R. designation and assure compliance with a plan submittal with the building permit
7. Add timber posts along the top of the 2:1 slope

This list should assist the clarification of the red line revisions presented at the hearing.

Sincerely,

Catherine L. Warfield, P.E.



415

CONTINENTAL REALTY CORPORATION

17 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204-5096

March 25, 1997

C. L. Warfield & Associates
4900 Kemp Road
Reisterstown, MD 21136
Attn: Catherine Warfield

97-415-XA

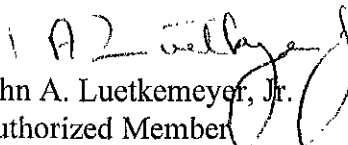
RE: BK Belmont Authorization

Dear Catherine:

This is to confirm that Thomas Herman has the title of Member and is an authorized signatory of BK Belmont LLC. Mr. Herman has been delegated to sign any and all documents in conjunction with the application for a variance to obtain a sign for the car wash at Belmont Avenue.

Thanks for your cooperation in this matter.

Sincerely,


John A. Luetkemeyer, Jr.
Authorized Member

JAL:srb



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

#415

John R. Rainey
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B202437 CONTROL #: C- DIST: 01 PREC: 02
DATE ISSUED: 08/02/94 TAX ACCOUNT #: 1800011835 CLASS: 06

PLANS: CONST 3 PLOT R PLAT 2 DATA 5 ELEC YES PLUM YES
LOCATION: 1650 BELMONT AVE
SUBDIVISION: CHAMPION FORD DEALERSHI

OWNERS INFORMATION

NAME: UNITED STATES TRUST COMPANY
ADDR: 114 W 47TH STREET NEW YORK NY 10036

TENANT:

CONTR: TBD

ENGR:

SELLR:

WORK: CONST NEW BURGER KING FAST FOOD RESTAURANT
84'X43'X16'9"=33976F

97-415-XA

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: FAST FOOD RESTAURANT
349,000.00 EXISTING USE: VACANT LOT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: STORE, MERCANTILE, RESTAURANT

FOUNDATION: CONCRETE
SEWAGE: PUBLIC PROPOSED

BASEMENT: NONE
WATER: PUBLIC PROPOSED

LOT SIZE AND SETBACKS

SIZE: 2.395AC
FRONT STREET:
SIDE STREET:
FRONT SETB: 75'
SIDE SETB: 90'/146'
SIDE STR SETB:
REAR SETB: 57'

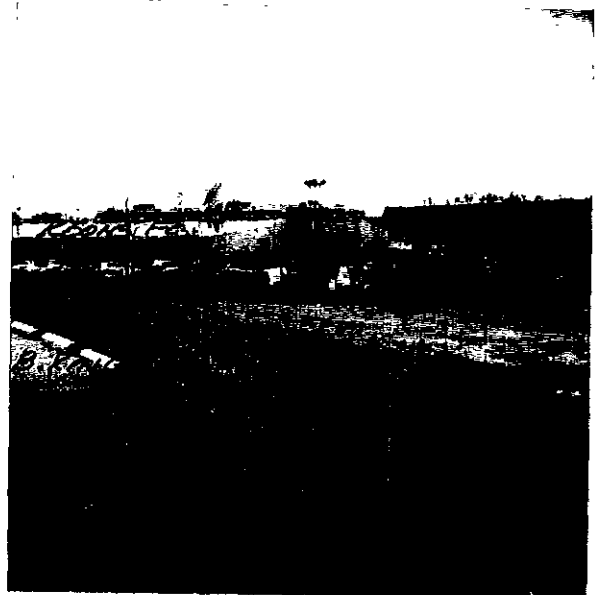
THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

#415



END GROVE AVE



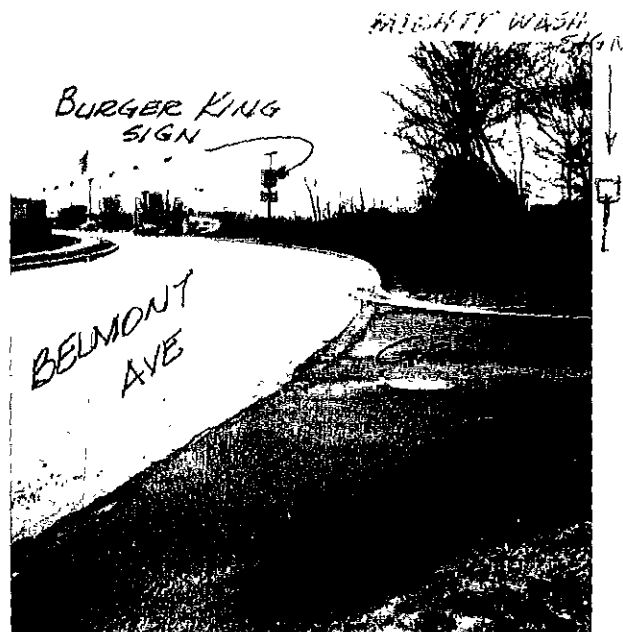
STANDING ON BUILDING
SITE - TOWARD GROVE AVE
AT HILL DRIVE



97-415-XA



(MIGHTY WASH BEHIND THIS FENCE)



97-415-XA





ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

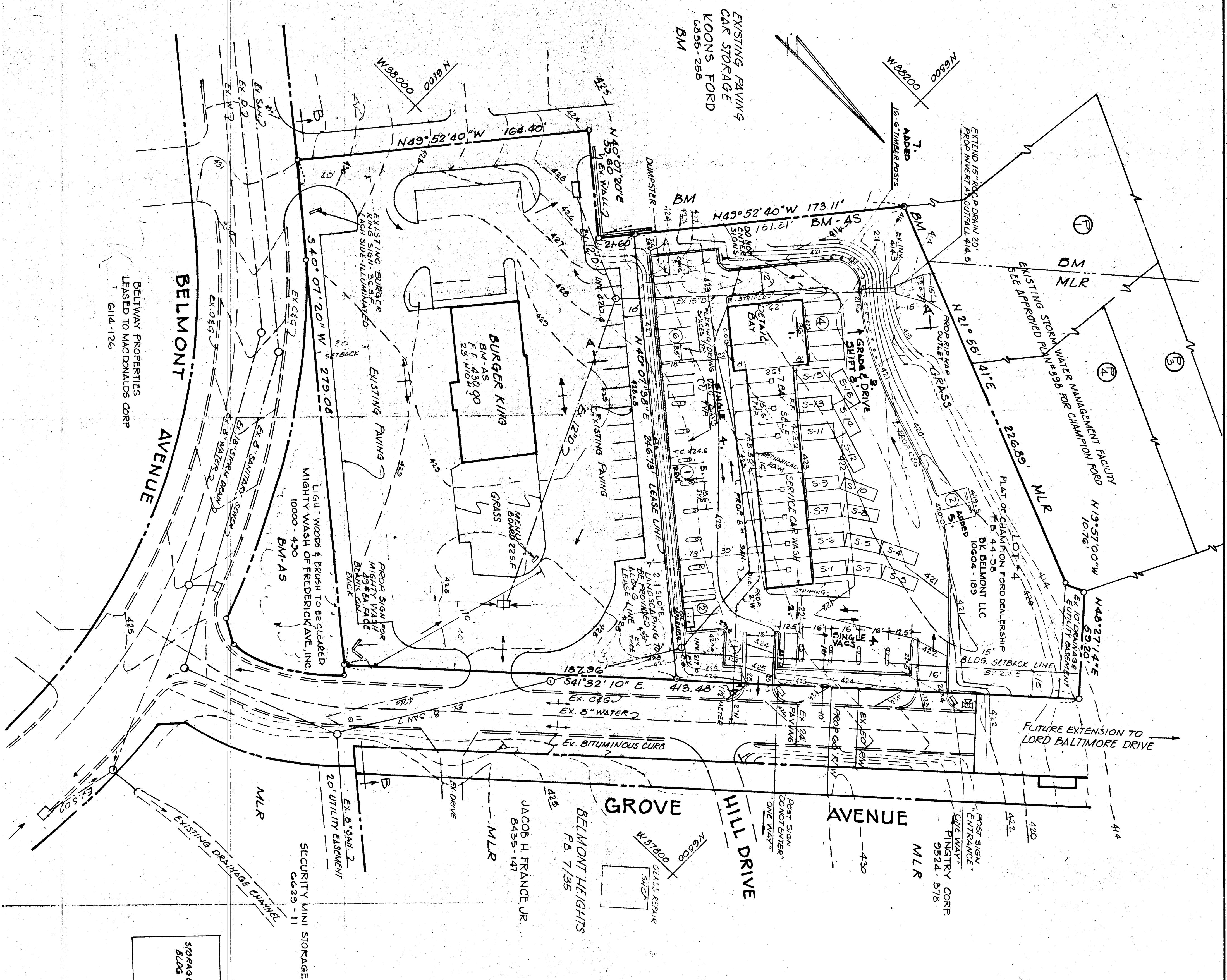
DESCRIPTION OF PARCEL 2, PART OF LOT NO. 4, SUBDIVISION OF
PLAT OF CHAMPION FORD DEALERSHIP, GROVE AVENUE, 1ST
DISTRICT, BALTIMORE COUNTY, MARYLAND

Page: 3

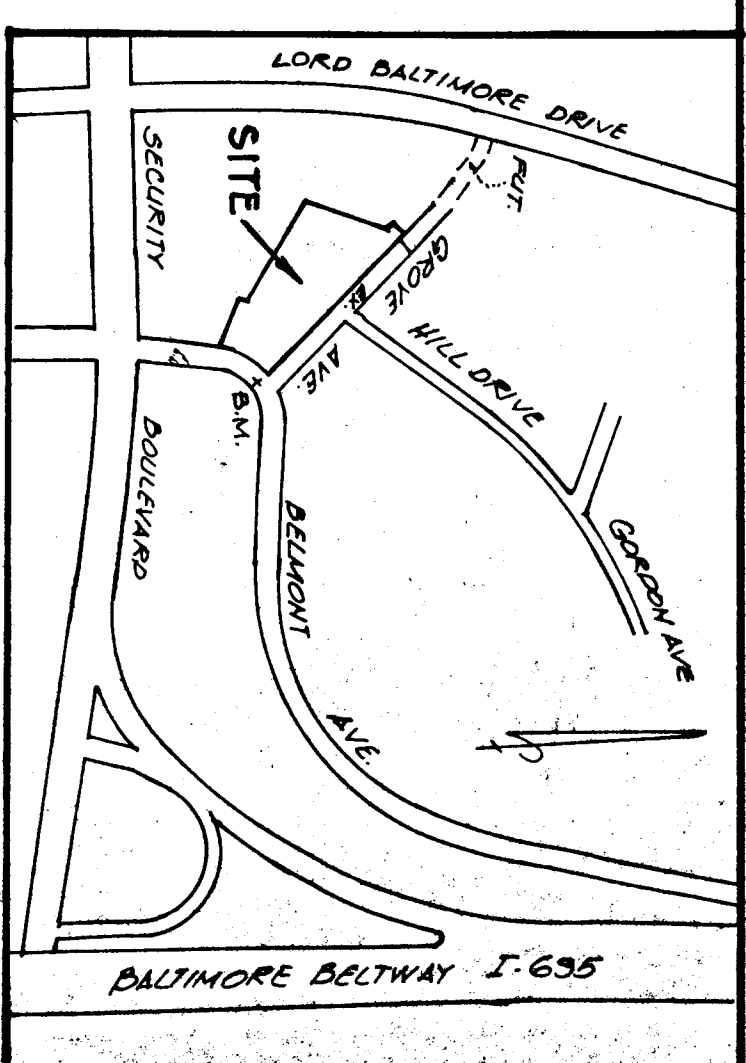
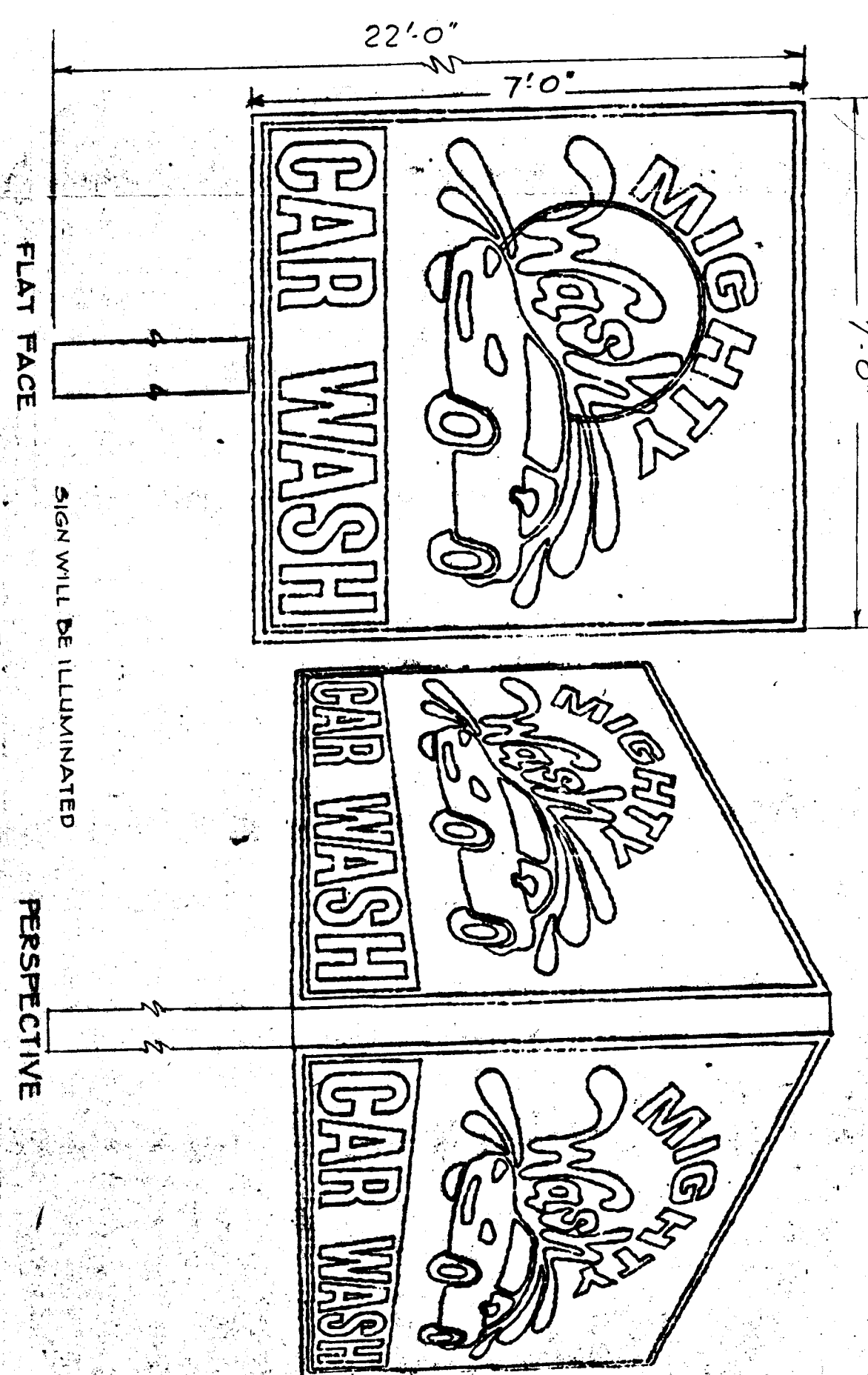
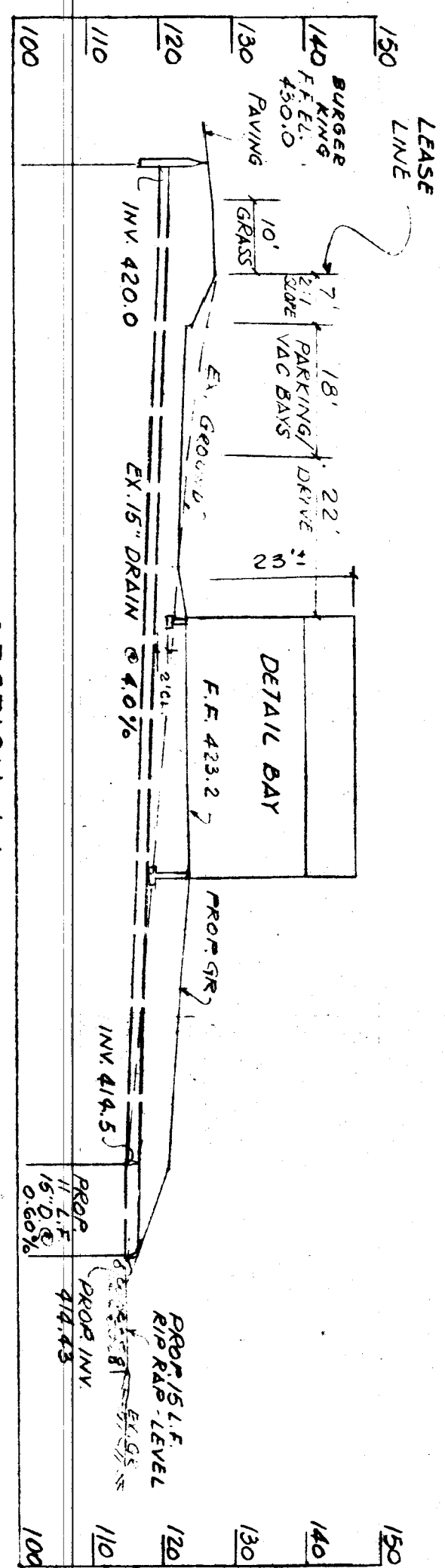
of Champion Ford Dealership said Plat being recorded among
the Plat Records of Baltimore County in Plat Book EHK, Jr.
No. 44, folio 98.

03/18/97





- [illegible]



BENCH MARK : HUB#16571
HEX HEAD BOLT IN STEAM IN CENTER LINE OF
CONCRETE WALK SOUTH SIDE OF BELMONT AVE
ELEV. 424.719

VICINITY MAP
SCALE: 1"=500'

SECTION AA
SCALE: 1"=20' VERT.
1"=20' HORIZ.

SECTION BB
SCALE: 1" = 30' HORIZ
1" = 30' VERT.

PETTIONER'S REPLY

SITE PLAN
TO ACCOMPANY SPECIAL EXCEPTION HEARING
AND SIGN VARIANCE HEARING
MIGHTY WASH
6625 GROVE AVENUE

C.L. WARFIELD and ASSOCIATES, INC.
CONSULTING ENGINEERS
4300 KEMP ROAD REISTERSTOWN, Md. 21136
410-423-2361